

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2011-090306

03/13/2012

HONORABLE BOYD W. DUNN

CLERK OF THE COURT

E. Ramirez

Deputy

IN RE THE MARRIAGE OF
VICKI MCMILLIAN-BANKS

VICKI MCMILLIAN-BANKS
10019 W KINGMAN ST
TOLLESON AZ 85353

AND

JEFFERY V BANKS

KAINE ROBERT FISHER

DOCKET-FAMILY COURT-SE

MINUTE ENTRY

Prior to commencement of these proceedings, Respondent/Father's Exhibits 1 through 38 are marked.

Courtroom 206—SEA

1:37 p.m. This is the time set for Trial on the *Petition for Dissolution of Marriage (With Minor Children)* filed on January 25, 2011, by Vicki McMillan-Banks, and the *Response* thereto filed February 17, 2011, by Jeffery V. Banks. Petitioner/Mother, Vicki McMillan-Banks, is present on her own behalf (hereinafter "Mother"). Respondent/Father, Jeffery V. Banks, is present with above-named counsel (hereinafter "Father").

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Vicki McMillan-Banks and Jeffery V. Banks are sworn.

Case status is reviewed.

IT IS ORDERED amending the caption of this case to correct the spelling of Mother's surname: McMillan.

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IT IS FURTHER ORDERED directing the Docket Department for the Clerk of the Court to change the name on the caption of this case for Mother from Vicki McMillian-Banks to **Vicki McMillan**—effective immediately.

After discussion the parties reach a partial agreement on the issues, which is dictated into the record in the presence of both parties by counsel for Father and which is generally summarized as follows:

- Father shall have sole legal and physical custody of the parties' three (3) adopted children:

Tilar Banks	(DOB: 07/30/1995)
Jazmin Banks	(DOB: 07/30/1995)
Branden Banks	(DOB: 11/29/1999)

- Mother requests no parenting time but for only telephonic access with the minor children at reasonable waking hours of reasonable duration.
- The parties agree to a calculation of child support under the *Arizona Child Support Guidelines* and Mother shall pay child support to Father as determined by this Court. The effective date for child support to commence is April 1, 2012, by wage assignment.
- Father shall be attributed \$6,440.40 gross monthly income and Mother shall be attributed income at \$39.24 per hour for the purpose of calculating child support.
- There are no other children for either party that are the subject of a child support order and the children in this marriage are over the age of 12 years.
- Neither party shall be responsible for providing health insurance for the children because the children are covered by AHCCCS through the State of Arizona based upon the fact that the children are foster-adopted children. Such insurance appears to be permanent.
- Based upon the foregoing, orders for reimbursement of medical expenses not covered by insurance are not required.
- Neither party shall be awarded spousal maintenance.
- Father is awarded the 1993 Chevrolet Suburban not subject to any equalization payment or offset. Mother has provided documentation to Father that the vehicle is free of any liens or

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encumbrances. The transfer of title shall be completed within no later than fourteen (14) days of entry of the Decree for Dissolution of Marriage.

- Mother is awarded the 2002 Ford Expedition not subject to any equalization payment or offset.
- Except for the mortgage for the marital residence, each party is responsible for any and all debt incurred by either party since the filing of *Petition for Dissolution of Marriage (With Minor Children)* on January 25, 2011, and any debt that is presently in each party's respective name is sole and separate.
- Father shall claim the parties' three (3) minor children as dependency exemptions for filing income tax returns commencing 2012 and each year thereafter absent future modification of this Court.
- The parties shall file individual federal and state income tax returns for 2012 and thereafter.
- Mother is awarded the jet skis, trailer, and holiday decorations.
- Mother's former name is restored: McMillan.

The parties both testify that they have heard and understood the agreement as dictated into the record, and that this is, in fact, their agreement.

THE COURT FINDS that the agreement entered into between the parties is not unfair, is reasonable, and in the best interests of the parties' minor children. The Court hereby approves the same as a binding agreement pursuant to Rule 69, *Arizona Rules of Family Law Procedure*.

The Court proceeds on the issues of the calculation of child support; determination of retroactive child support; disposition of the marital residence; disposition of remaining personal property; Father's attorney's fees and costs; and the disposition of bank and retirement accounts.

Vicki McMillan testifies further.

THE COURT FINDS that at least one of the parties has been domiciled in the State of Arizona for more than 90 days immediately preceding the filing of the *Petition*; that the conciliation provisions of A.R.S. §25-381.09, and the domestic relations education provisions of A.R.S. §25-352 either do not apply or have been met; that the marriage is irretrievably broken and there is no reasonable prospect for reconciliation.

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Disposition of the Marital Residence

Vicki McMillan testifies further.

Discussion is held.

Mother's Gross Monthly Income

Vicki McMillan testifies further.

The Court takes judicial notice of the *Notice of Filing Petitioner's Affidavit of Financial Information* filed November 16, 2011.

Discussion is held.

Father's Exhibit 10 is received in evidence.

THE COURT FINDS it is appropriate to attribute Mother \$4,127.50 gross monthly income for the purpose of calculating child support.

Disposition of Remaining Personal Property

Vicki McMillan testifies further.

The Court takes judicial notice of *Respondent/Husband's Separate Pretrial Statement* filed (entered) March 6, 2012, and the *Joint Pretrial Statement* filed (entered) March 7, 2012, by Mother.

Mother requests the return of the following personal property: green computer desk, king size bed, trampoline.

Mother requests the award of the following community property: red washer and dryer, yellow leather sofa and matching chairs.

Disposition of Bank Account(s) and Retirement Accounts

Vicki McMillan testifies further.

Counsel for Father avows the value of Father's retirement account.

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LET THE RECORD REFLECT that absent agreement of the parties, the Court shall order that the retirement accounts shall be divided by a Qualified Domestic Relations Order (QDRO).

Calculation of Retroactive Child Support

Vicki McMillan testifies further.

Discussion is held.

THE COURT NOTES that the Court shall prepare separate Child Support Worksheets for the time periods of February 1, 2011 through April 1, 2012.

Father's Attorney's Fees and Costs

Vicki McMillan testifies further.

Father's Exhibits 33, 34 and 35 are received in evidence.

Vicki McMillan testifies further regarding Father's sole legal custody.

Vicki McMillan testifies further regarding TASC drug testing.

3:10 p.m. The Court stands at recess.

3:25 p.m. The Court resumes with both parties and counsel for Father present.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Jeffrey Banks, having previously been sworn, now testifies regarding the marital residence and mortgage.

Jeffrey Banks testifies further.

THE COURT NOTES that Father has testified regarding the issues of disposition of the marital residence and the mortgage on the marital residence, the red washer and dryer and the debt for the same with Sears, the yellow leather sofa and matching chairs, sole legal custody and TASC drug testing for Mother, and Father's attorney's fees and costs.

The Court hears closing arguments from counsel for Father and Mother.

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IT IS ORDERED taking under advisement the issues of calculation of child support; payment of retroactive child support; disposition of the marital residence; disposition of remaining personal property; Father's attorney's fees and costs; and the disposition of bank and retirement accounts.

There being no further need to retain the exhibits not offered in evidence in the custody of the Clerk of the Court,

IT IS ORDERED that the Clerk permanently release all exhibits not offered in evidence to the counsel/party causing them to be marked, or to their written designee.

IT IS FURTHER ORDERED that counsel/party or written designee take immediate possession of all exhibits referenced above.

ISSUED: Exhibit Release Form

IT IS FURTHER ORDERED signing this minute entry as a formal order of this Court pursuant to Rule 81, *Arizona Rules of Family Law Procedure*.

/s/ Boyd Dunn

The Honorable Boyd Dunn
Judicial Officer of the Superior Court

3:55 p.m. Hearing concludes.

PLEASE NOTE: This Court utilizes a digital audio recording system to preserve the official record of proceedings. Persons requesting copies of recorded proceedings do not have to provide blank CDs. All CDs will be provided by the Court, regardless of when the copies are made. A fee of \$20.00 will apply to all copies requested, either on the day of the hearing or for hearings recorded on an earlier date. Counsel or litigants must complete the appropriate request form which may be obtained from the Self-Service Center or from Court staff and present the completed form to the Self-Service Center. All fees must be handled through the Self-Service Center. Upon payment of the appropriate fees through the Self-Service Center, a receipt will be issued which shall then be presented to Court staff for preparation of the CD.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.